

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)	
)	
McLAREN RUESCH, M.D.)	
)	
Holder of License No. 4852)	CONSENT AGREEMENT
For the Practice of Medicine)	TO LETTER OF REPRIMAND
In the State of Arizona.)	
)	
Re: DEA v. McLaren Ruesch, M.D.)	
(Inv. #10253))	
_____)	

McLAREN RUESCH, M.D., holder of License No. 4852 for the practice of medicine in the State of Arizona, and the Arizona Board of Medical Examiners ("Board") hereby agree as follows:

1. Pursuant to A.R.S. §32-1451(F)(5), Dr. RUESCH agrees that the Board shall adopt the Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order attached to this Consent Agreement and incorporated by this reference. The Letter of Reprimand shall be effective on the date of the letter. Dr. RUESCH admits that the Findings of Fact and Conclusions of Law are true and accurate.

2. By entering into this Consent Agreement, Dr. RUESCH freely and voluntarily relinquishes all right to an Informal Interview before the Board, a hearing before an administrative law judge and before the Board, and relinquishes all right of rehearing, review, reconsideration, appeal, judicial review or any other judicial action concerning the matters set forth herein. Dr. RUESCH affirmatively agrees that the Letter of Reprimand shall be irrevocable.

3. Dr. RUESCH has read and understands the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, and voluntarily enters

into this Consent Agreement. Dr. RUESCH understands that he may consult legal counsel regarding this matter and agrees that he has done so or affirmatively declines to do so.

4. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law and Order, if adopted by the Board, constitute a resolution of the following case: DEA v. McLaren Ruesch, M.D. (Investigation No. 10253). The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law do not constitute a dismissal or resolution of any other matters currently pending and do not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding.

5. The Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order shall not become effective until adopted by the Board and signed by the Board's Executive Director.

6. Dr. RUESCH understands that if the Board does not adopt the Consent Agreement, Letter of Reprimand, Findings of Fact, Conclusions of Law, and Order, the case listed in paragraph 4 above will be decided by the Board pursuant to the Medical Practice Act, A.R.S. §32-1401 et seq.. Dr. RUESCH agrees that he will not assert as a defense that the Board's consideration of the Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law constitutes bias, prejudice, prejudgment or other similar defense.

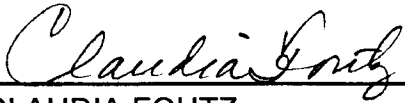
7. The Consent Agreement, Letter of Reprimand, Findings of Fact and Conclusions of Law is a public record and shall be reported as required by law to the National Practitioner Data Bank and also to the Federation of State Medical Boards.

8. The Consent Agreement constitutes the entire agreement of the parties.

9. Any violation of this Consent Agreement or the Letter of Reprimand constitutes unprofessional conduct pursuant to A.R.S. §32-1401(25)(r) (Violating a formal order, probation or stipulation issued or entered into by the board or its

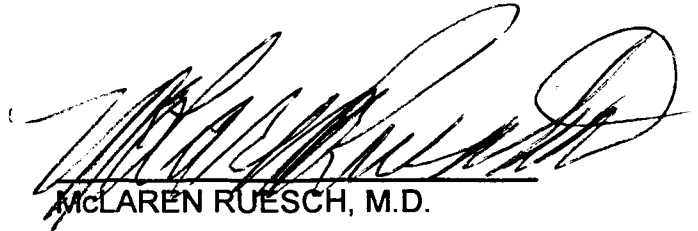
executive director under the provisions of this chapter) and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



CLAUDIA FOUTZ
Executive Director
MELISSA S. CORNELIUS
Deputy Director

Dated: 9/3/98



McLAREN RUESCH, M.D.

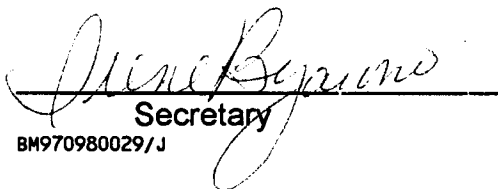
Dated: 7/27/97

ORIGINAL of the foregoing Consent Agreement to Letter of Reprimand and Copy of Letter of Reprimand mailed by Certified Mail this 15th day of May, 1997 for signature on the Consent Agreement to:

McLaren Ruesch, M.D.
Rt. 1 Box 695
Miami, Arizona 85539

COPY of the foregoing signed Consent Agreement to Letter of Reprimand and Letter of Reprimand mailed this 27 day of July, 1997 to:

McLaren Ruesch, M.D.
Rt. 1 Box 695
Miami, Arizona 85539



Secretary
BM970980029/J



Jane Dee Hull
Governor

Arizona State Board of Medical Examiners

1651 East Morten, Suite 210 Phoenix, Arizona 85020
Phone (602) 255-3751 FAX (602) 255-1848
Home Page: <http://www.docboard.org/bomex/index/htm>

Claudia Foutz
Executive Director

Melissa S. Cornelius, JD
Deputy Director

Certified Mail/Return Receipt Requested

McLaren Ruesch, M.D.
Rt. 1 Box 695
Miami, Arizona 85539

Re: **LETTER OF REPRIMAND**
DEA v. McLaren Ruesch, M.D.
(Investigation No. 10253)

Dear Dr. Ruesch:

You have agreed in the Consent Agreement attached to this letter that the Arizona Board of Medical Examiners shall resolve the complaint listed above by issuing a Letter of Reprimand to you.

A Letter of Reprimand is defined in A.R.S. § 32-1401(15) as "a disciplinary letter issued by the Board that informs the physician that the physician's conduct violates state or federal law but does not require the Board to restrict the license or monitor the physician because the physician's conduct did not harm a patient or the public."

In voting to issue the Letter of Reprimand, the Board adopted the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

1. The Board of Medical Examiners of the State of Arizona is the duly constituted authority for the regulation and control of the practice of medicine in the State of Arizona.
2. McLaren Ruesch, M.D. is the holder of License No. 4852 for the practice of medicine in the State of Arizona.
3. For purposes of dispensing to his weight loss patients, Dr. Ruesch ordered Teramine, 8 mg tablets as follows:

12/22/95	Six (6) 1000 tablet bottles
12/29/95	Four (4) 1000 tablet bottles
02/29/96	Four (4) 1000 tablet bottles
05/26/96	Six (6) 1000 tablet bottles

4. Teramine is a Schedule IV Controlled Substance. Dr. Ruesch dispensed the Teramine in connection with his weight reduction program. At all times material, Dr. Ruesch was not registered by the Board as a Dispensing Doctor pursuant to A.R.S. § 32-1491.

Conclusions of Law

1. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(a) (violation of any federal or state laws or rules and regulations applicable to the practice of medicine, to wit: A.R.S. § 32-1491).

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(kk) (failing to dispense drugs and devices in compliance with article 6 of this chapter).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that McLaren Ruesch, M.D. be issued a Letter of Reprimand.

DATED this 31st day of September, 1998.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



Claudia Foutz
Executive Director

CF/nmk
Attachment: Consent Agreement